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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL DIOP,

Defendant.

CASE NO. 2:21-CR-00106-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: July 17, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America (the “government”), by and through its counsel of record, and
defendant Gabriel Diop, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 17, 2023.
2. By this stipulation, the defendant now moves to continue the status conference until
October 16, 2023 at 9:00 a.m., and to exclude time between July 17, 2023, and October 16, 2023, under
Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case
includes more than 15,000 pages of discovery, images, and video files, all of which are subject to
a protective order. Following defense counsel’s recent appointment as counsel of record, the
government produced the entirety of this discovery and made additional material available for

1 inspection and copying pursuant to Rule 16(a)(1)(E) of the Federal Rules of Criminal Procedure.
2 Additionally, the government intends to provide a relatively small amount of additional
3 documentary discovery to counsel for the defendant in the near future.

4 b) Counsel for the defendant desires additional time to review this produced
5 discovery, consult with his client, review the charges, conduct investigation and research related
6 to the charges, discuss potential resolutions with his client and counsel for the government,
7 prepare pretrial motions, and otherwise prepare for trial. Additionally, counsel for the defendant
8 recently retained an immigration expert for the purpose of advising his client about the potential
9 immigration consequences of any possible conviction. Counsel for the defendant desires
10 additional time to coordinate with this immigration expert and understand his client's options
11 related to any such possible immigration consequences.

12 c) Counsel for the defendant believes that failure to grant the above-requested
13 continuance would deny him the reasonable time necessary for effective preparation, taking into
14 account the exercise of due diligence.

15 d) The government does not object to the continuance.

16 e) Based on the above-stated findings, the ends of justice served by continuing the
17 case as requested outweigh the interest of the public and the defendant in a trial within the
18 original date prescribed by the Speedy Trial Act.

19 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
20 et seq., within which trial must commence, the time period of July 17, 2023, to October 16, 2023,
21 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
22 because it results from a continuance granted by the Court at the defendant's request on the basis
23 of the Court's finding that the ends of justice served by taking such action outweigh the best
24 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: July 11, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ SAM STEFANKI
SAM STEFANKI
Assistant United States Attorney


Dated: July 11, 2023

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Counsel for Defendant
GABRIEL DIOP

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: July 11, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE